

10/607,690
June 30, 2003
Darling

All pending claims were rejected as indefinite under 35 USC §112 or for being dependent on such a claim. There rejections are addressed singly below.

The preamble of the independent claims use "naturally recycling protein waste" to generally describe the process claimed. As is clearly and distinctly described in the specification, this process employs enzymatic digestion of proteins to recycle protein waste into a usable substance. Enzymatic digestion is a natural phenomenon hence the term "naturally recycling protein waste". In the interest of clarity, the pertinent claims have been amended to delete "naturally".

The Examiner requested a clarification as to the form of the enzyme relative to the term "enzymatic digest medium". As clearly provided in the Specification, the enzymatic digest medium is the medium in which the protein will be digested and is clearly defined in the specification as comprising fluid waste such as outdated ice cream, molasses, milk by products, and others that include proteins, fat, and water along with the enzyme or enzymes. (Specification page 7, first paragraph). Therefore, Applicant respectfully suggests that the term is well defined in the specification and its use does not render the claims in which it appears indefinite.

The term "protein solubles" was also determined to render its relevant claims indefinite. Applicant respectfully suggests that the entire term in claim 1 is "protein solubles mixture" and refers to a mixture of protein and solubles resulting from grinding protein waste with the enzymatic digest medium as is specifically described in claim 1 (b).

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Dependent claims 6, 10, and 19 have been amended to add --mixture-- after "protein solubles" for consistency and clarity.

The Examiner found "optimal level" to be indefinite. Claim 1 has been amended to reflect the range of pH supported by the Specification at page 7, second paragraph under Detailed Description. Claim 3 is dependent on Claim 1 and has been amended to remove the limitation providing a range of acceptable pH as it would be redundant with amended claim 1.

In claim 10, the word "including" has been replaced by -- comprising -- and the words "such that said optimal temperature is" have been deleted and replaced by -- required to maintain temperature between --.

A marked-up version of the amended claims is enclosed. No new matter has been added by virtue of these amendments. Consideration of these amended claims is respectfully requested. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number No. 50-3021 belonging to Brown Winick Law Firm.

Respectfully submitted,

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